

## **ADVISORY OPINION 1999-012**

**Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is rendered. KRS 121.135(4).**

October 29, 1999

Mr. J. William Corum  
412 Lawrence Street  
Brandenberg, KY 40108

Dear Mr. Corum:

This is in response to your request for an advisory opinion regarding the interaction of your campaign with your corporate employment. You state that you are a candidate for Kentucky State Senator for the 2000 Primary Election and a full-time employee of a corporation. As a condition of your employment, you have the use of a company vehicle with a fixed telephone during normal working hours. You also indicate that your corporation permits you to use corporate equipment for personal matters provided you reimburse the corporation for its use.

KRS 121.150(22) strictly prohibits a candidate from accepting a contribution from a corporation, either directly or indirectly. Similarly, KRS 121.025 and 121.035 prohibit a corporation from giving anything of value toward the election or defeat of a candidate. In response to your specific questions, the Registry provides the following responses:

- (1) You ask what special provisions are needed to protect a candidate who works in the district in which he is campaigning from receiving questions from voters during working hours. 32 KAR 2:170 § 1(5) provides that no compensation or in-kind contribution results when an hourly or salaried employee “engages in activity for the benefit of a candidate ... during what would otherwise be a regular work period, provided that the taken or released time is made up or completed by the employee within a reasonable time.” Therefore, any time during regular working hours related to campaign matters may be recouped pursuant to your company’s regular personnel policies within a reasonable time to avoid an in-kind corporate contribution.

You also ask what precautions you should take regarding your incidental use of a corporate vehicle and car telephone, which you are authorized to use during working hours. 32 KAR 2:170 §1(3) provides that “a candidate shall not accept the use of the assets of any corporation unless the fair market value is billed to the campaign and paid for with campaign funds.” Therefore, you should arrange with your corporate employer to compensate it for any equipment use attributable to your campaign.

- (2) You ask whether casual contact with your customers regarding your campaign would violate campaign finance law. As stated above, 32 KAR 2:170 §1(5) permits an employee to recoup time that is used for campaign matters without resulting in an in-kind contribution from his employer.
- (3) You ask whether you may use corporate equipment provided your campaign reimburses the company for such use and maintains receipts. Pursuant to 32 KAR 2:170 §1(3), you may use corporate equipment provided your campaign pays the fair market value of any corporate assets used and maintains an itemized bill from the corporation for such use. See also KREF Advisory Opinion 1992-001 (attached) (payment should be made by check, with a copy retained, and the transactions must be reported on the candidate’s election finance statement).

This opinion represents the Registry’s consideration of the questions posed in your letter and solely relates to the application of KRS Chapters 121 and 121A. If you have any additional questions, please do not hesitate to contact the Registry staff.

Sincerely,

Rosemary F. Center  
General Counsel

Enclosure

RFC/jh